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MAFFICK LLC

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 MAFFICK LLC, a Delaware limited liability
company,

12 Plaintiff,

13 v.
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15 FACEBOOK, INC., a Delaware corporation,
and DOES 1-10, inclusive,

16 Defendants.
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Case No. 3:20-cv-05222

SECOND DECLARATION OF ANISSA
NAOUI IN SUPPORT OF *EX PARTE*
APPLICATION FOR TRO AND OSC RE:
PRELIMINARY INJUNCTION

Assigned for All Purposes To:
Hon. James Donato

1 I, Anissa Naouai, declare as follows:

2 1. I am the CEO of Maffick LLC (“Maffick”), the plaintiff in this case. Except where
3 indicated, I make this declaration of my own personal knowledge in support of Maffick’s *Ex Parte*
4 Application for a TRO and OSC re: Preliminary Injunction. If called upon to do so, I could and
5 would testify competently to the matters stated below.

6 2. I was born and raised in New York. As a child and young adult, I was very active in
7 the theater and wanted to be a professional actress.

8 3. While attending LaGuardia High School in New York, I had a Ukrainian theater
9 teacher who was passionate about Russian theater and wanted to form the first American group of
10 theater students to study and perform with the prestigious Moscow Art Theater (“MXAT”).

11 4. While attending Hunter College in 2001, my former theater teacher reached out to
12 inform me that his idea had come to fruition and he invited me to participate in the group of
13 American students that would travel to Russia to study at the MXAT. Already becoming
14 disenchanted with the notion of being yet another starving actress in New York City, I accepted the
15 invitation.

16 5. While in Moscow, I fell in love with a Russian man and we remained in contact
17 after I returned home to the United States. Therefore, when I was invited back to Moscow to
18 participate in a six-month English-language educational program, I happily accepted.

19 6. After my six-month program ended, I decided to remain in Russia with my then-
20 boyfriend (later husband), but I needed to quickly find a job to support myself. Through a distant
21 contact, I learned that Russia Today (“RT”), an English language news channel, was hiring
22 Americans who could read and write in English, so I reached out for an interview. I was hired and
23 began work as an intern, learning under the British expats who ran the newsroom at that time.

24 7. Eventually, I was offered a job on-camera and, thanks to my theater training, I did
25 well as a reporter and was soon traveling the world and reporting on current events. I worked
26 under a Style Guide that instructed all reporters to reference both sides of every story, even if one
27 side of the story reflected negatively upon Russia or Russian interests.

28

1 8. By 2009, my constant travelling had taken its toll on me and my relationship and I
2 sought a role as a news anchor. I worked as an anchor for approximately three years, but I soon
3 found it boring to simply read copy and I decided I wanted to do my own news commentary show.

4 9. In 2013, I conceived of the idea of “In the Now” and pitched it as an opinion show,
5 filmed late in the evening, where I would comment on the news stories of that day. RT agreed and
6 allowed me to film the show.

7 10. “In the Now” became very successful online, and in 2016, I decided I wanted to
8 move the show to a completely digital format and monetize it.

9 11. In 2017, I informed RT that I wanted to form a separate corporate entity in order to
10 monetize “In the Now” and I wanted to receive 90% of the profit from the corporation because it
11 was my idea and my work. RT agreed, so I formed Maffick Media GmbH in Germany as a
12 subsidiary of Ruptly. During this period, I launched additional digital media channels, including
13 SoapBox and Waste-Ed. I maintained editorial control, and neither RT nor any other Russian
14 government entity or official exercised editorial control over content on In the Now, Soapbox or
15 Waste-Ed’s digital media channels.

16 12. Ultimately, I had difficulty operating in Germany because of a lack of digital media
17 talent, and it was also not a place where I wanted to live with my family. Meanwhile, over the
18 years, I had frequently visited a good friend of mine who lived in Los Angeles, and in June 2018, I
19 decided I wanted to relocate to L.A. and raise my children there. Exactly one year later, I
20 completed the move.

21 13. Upon moving to L.A. in June 2019, I promptly formed a Delaware limited liability
22 company called Maffick LLC, through which I have operated the In the Now, Soapbox and Waste
23 Ed digital media channels for the past year. I did not invite RT or any of its affiliates to partner
24 with me in the company and I have run it as my own, independent company since its formation.

25 14. I am not an employee of RT or any of its affiliates and RT does not exercise control
26 over me, nor does it exercise control over the content on Maffick’s channels.

15. Maffick LLC's interaction with RT is limited to the sale of content to RT, which is something major media companies, including, for example, the Associated Press ("AP") and Reuters, also do. Maffick is currently negotiating with other news outlets to sell its content.

16. Maffick's content is not biased in favor of Russia or any other country and does not support Russia's "party line." In fact, much of Maffick's content is progressive and directly in tension with Russia's political stance.

17. Maffick decides what content to publish based upon whether the data shows that the issue is compelling and will attract viewers, and its decisions are in no way shaped or influenced by any government policy.

18. Facebook's Notice is threatening immediate and irreparable harm to Maffick's branded partnerships and cross-posting partnerships. Maffick has existing branded relationships with twelve different companies – mostly eco-friendly manufacturers - who pay and/or barter with it to promote their products. These companies are: Petkix; Pela Case; Durapik; Sol and Spring; Georganics; Last Swab; Bluland; Let's Go Eco; Patch Bandages; Hay Straws; FlexYah; and, Azero Bags. Every time Maffick promotes one of their products, such as an advertisement for Pela's bio-degradable phone case, the post is labeled "Russia state-controlled media." This confuses viewers, who then associate the product with the Russian government, and it makes them less likely to purchase the product, thereby undermining Maffick's relationship with the product manufacturers. Since the Notice was posted, Maffick has been unable to form any new partnerships.

Similarly, Maffick has existing cross-posting partnerships with fifteen other content providers. Maffick reposts their content on its pages and vice versa – a process called "cross-posting." These cross-posting partners include: Cultura Colectiva; Bright Vibes; 60 Sec. Docs; Soul Pancake; Nameless Network; Namless Network Presents; Weird Wild World; Our Incredible World; Joe Co. UK; Cheddar; Cheddar Gadgets; Cheddar Inc.; Cheddar Health; Cheddar Health; Vocative; and Yup That Exists. In this way, Maffick and its partners can post a substantial amount of content every day, in addition to the content they create themselves, at a significant cost savings. As a result of the Notice, every time Maffick posts a video created by one of its cross-posting partners, like a video from Our

1 Incredible World about stork parents laying an egg, the video is flagged as “Russia state-
 2 controlled media.” As with the branded posts, this creates viewer confusion about the
 3 source of the content and distorts our partners’ messaging. The Notice thus threatens
 4 Maffick’s existing business relationships with its cross-posting partners.

5 19. It is very damaging to Maffick’s reputation, business and vision to be falsely
 6 accused of operating under the control of the Russian government. I cannot emphasize enough that
 7 we are not controlled by Russia, operationally or editorially. My hand-picked team and I make all
 8 editorial decisions about what to publish and not publish and no one else has a say in those
 9 decisions.

10 20. Maffick’s flagship channel, In the Now had 247,706,036 views in May. In July, it
 11 had 66,494,294. In the Now’s reach in May was 237,449,490 and in July, it was 70,449,087. Its
 12 monthly monetization dropped by approximately 85%. Maffick’s reach and monetization grew
 13 during the period from March through June 2020 and only began to fall after Facebook published
 14 the Notice. Attached hereto as “Exhibit 1” are true and correct copies of Facebook analytical data
 15 showing the extremely negative effects that the Notice has had on “In the Now.”

16 21. Facebook’s actions have also caused ripple effects throughout the social media
 17 industry. Just last week, Twitter followed Facebook’s lead and labeled Maffick’s pages “Russia
 18 state-affiliated media.” Although Maffick’s presence on Twitter is small and dwarfed by its reach
 19 on Facebook, I have had to initiate an appeal of Twitter’s decision. As Facebook pointed out,
 20 YouTube posted a disclaimer about Maffick’s former relationship with RT approximately 18
 21 months ago. I have not taken action to address it, because Maffickno longer publishes content on
 22 YouTube and does not monetize its former use of that site.

23 22. The reputational damage initiated by Facebook is rapidly increasing and I believe it
 24 will become irreversible if the Notice is not taken down.

25 I declare under penalty of perjury that the foregoing is true and correct.

26 Executed on this 10th day of August, 2020, at Los Angeles, California.

27 

28 _____
 Anissa Naouai

EXHIBIT 1

MAY 2020

Metrics are estimated and in development.

May 1, 2020 – May 31, 2020

\$29,582.70

Estimated Earnings

▲ 16% from previous 31 days

\$0.48

Monetizable View RPM

▼ 12.7% from previous 31 days

61.4M

Monetizable 1-Minute Video Views

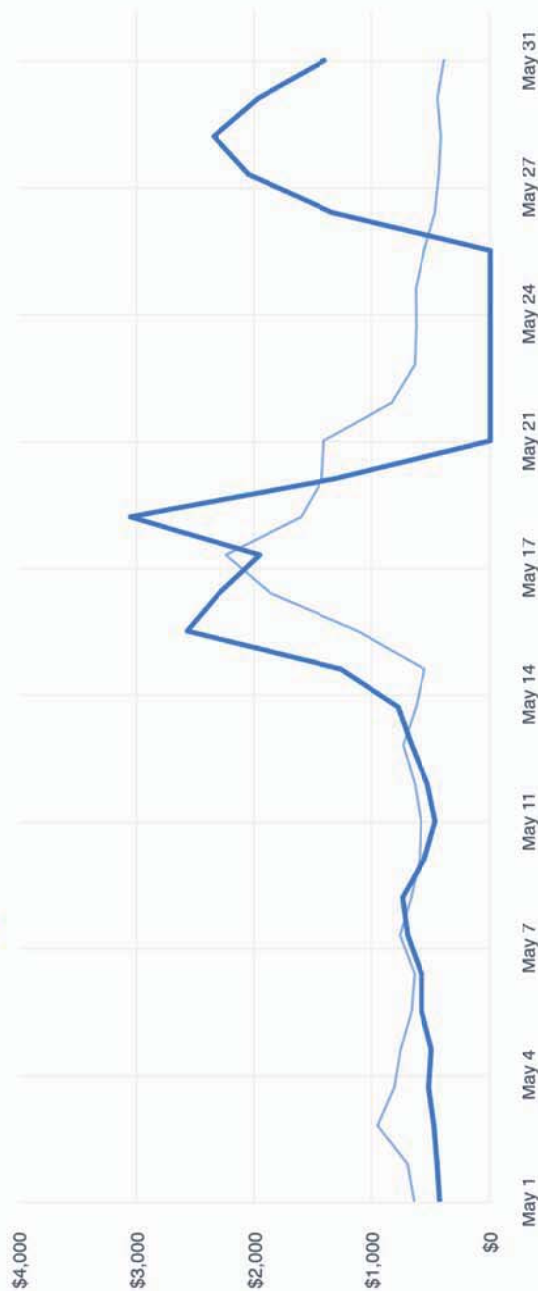
▲ 33.6% from previous 31 days

Estimated Earnings

Actual payouts will differ from what's shown here if there are content ownership claims or other adjustments. [Learn More](#)

May 1, 2020 – May 31, 2020

\$29,582.70 Estimated Earnings



Understand Your Estimated Earnings

Earnings are impacted by multiple factors, including the number of impressions and CPM of ads shown.

Focus on creating content that keeps your viewers watching longer to help maximize your earnings.

May 1, 2020 – May 31, 2020 ▾

225.6K

Net Followers

▲ **142%** from previous 31 days

2.7M

Returning Viewers

For the week of 05/31/2020

24.1M

Complete Views

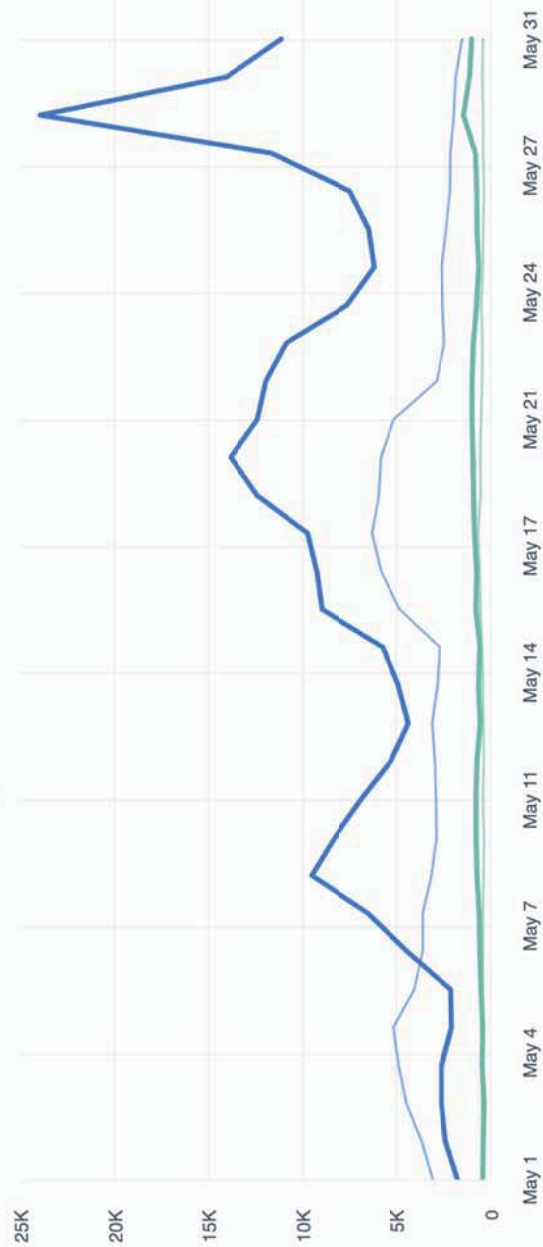
▲ **175%** from previous 31 days

Follower Activity

A look at your new followers, net followers and people who unfollowed. Metrics are estimated.

May 1, 2020 – May 31, 2020

249,976 New Followers **24,404 People Who Unfollowed**



Summary

You have **+225,572** net followers this period. Your net followers are **+142%** from the previous period.

May 1, 2020 – May 31, 2020

View By: Posted

315M

Minutes Viewed

▲ 113% from previous 31 days

103.2M

1-Minute Video Views

▲ 91.3% from previous 31 days

264.3M

3-Second Video Views

▲ 85.4% from previous 31 days

11M

Engagement

▲ 227% from previous 31 days

225.6K

Net Followers

▲ 142% from previous 31 days

3-Second Video Views

May 1, 2020 – May 31, 2020

264,336,496 3-Second Video Views



Show by:

See how your different types of posts are performing

☐ Organic 100%

☐ Paid 0%

☐ Posted 75.3%

☐ Crossposted 0.97%

☐ Shared 23.7%

☐ Followers 7.48%

☐ Non Followers 92.5%

☐ Live 0%

☐ Video 100%

Daily data is recorded in the Pacific time zone.

1W 1M 1Q



Post Reach

The number of people who saw any of your posts at least once. This metric is estimated.

Create Post

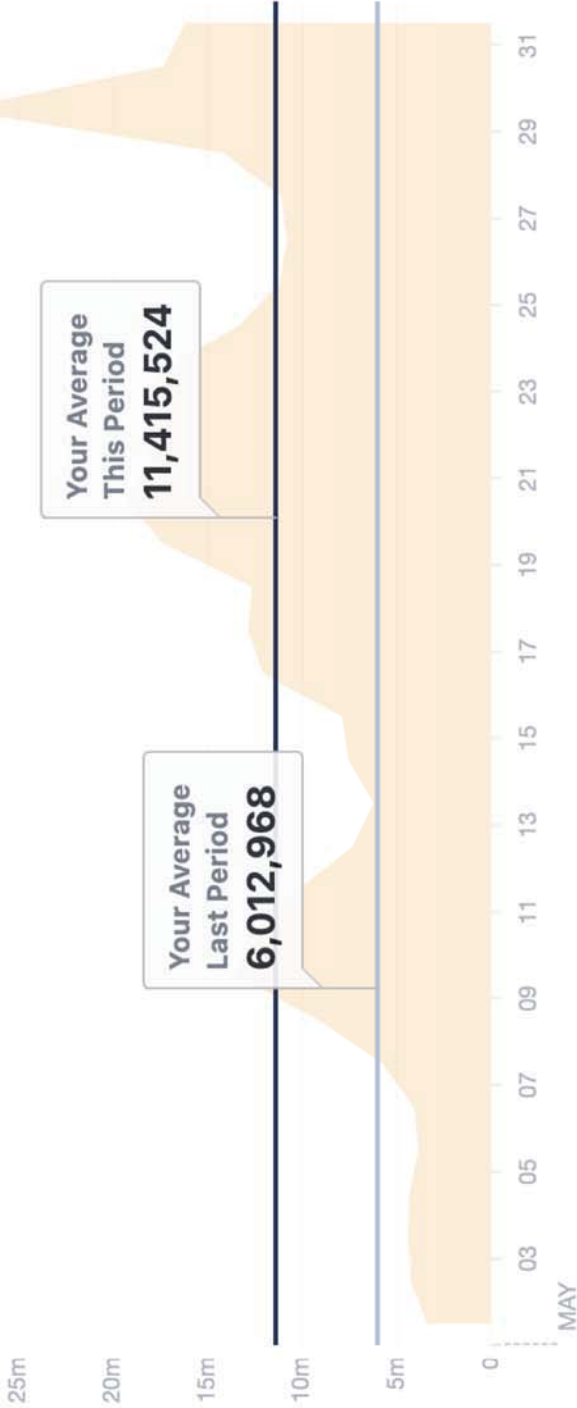
Organic Paid

BENCHMARK

Compare your average performance over time.

Organic

Paid



JUNE 2020

Metrics are estimated and in development.

📅 Jun 1, 2020 – Jun 30, 2020 ▼

\$77,880.76

Estimated Earnings

▲ 167% from previous 30 days

\$1.14

Monetizable View RPM

▲ 138% from previous 30 days

68.2M

Monetizable 1-Minute Video Views

▲ 12.5% from previous 30 days

Estimated Earnings

Actual payouts will differ from what's shown here if there are content ownership claims or other adjustments. [Learn More](#)

Jun 1, 2020 – Jun 30, 2020

\$77,880.76 Estimated Earnings



Understand Your Estimated Earnings

Earnings are impacted by multiple factors, including the number of impressions and CPM of ads shown.

Focus on creating content that keeps your viewers watching longer to help maximize your earnings.

📅 Jun 1, 2020 – Jun 30, 2020 ▾

183.2K

Net Followers

▼ **17.8%** from previous 30 days

1M

Returning Viewers

For the week of 06/28/2020

19.4M

Complete Views

▼ **18.7%** from previous 30 days

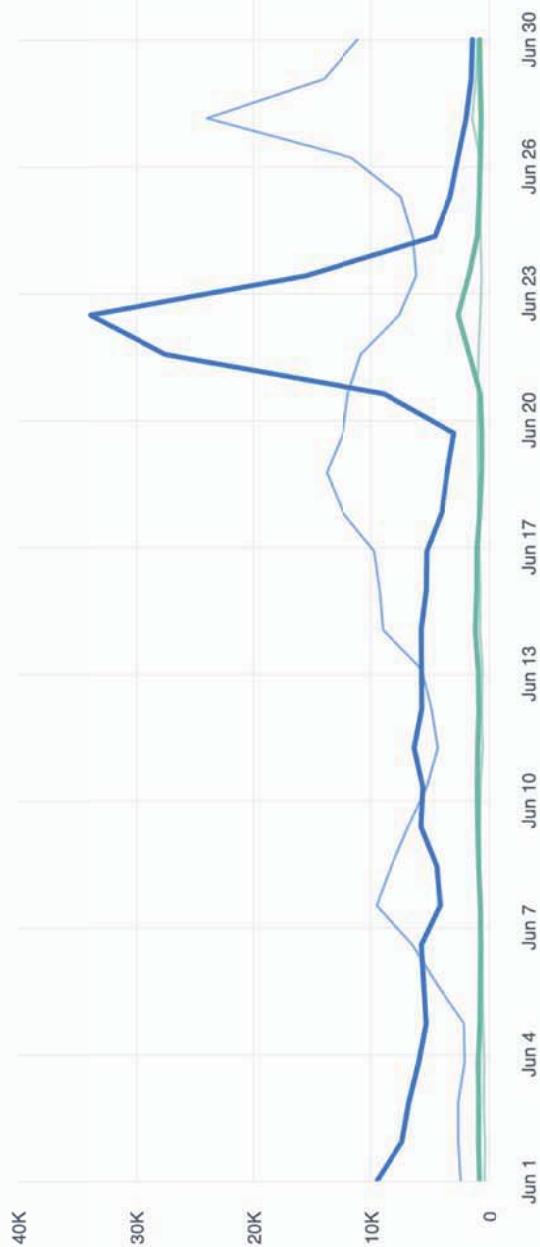
Follower Activity

A look at your new followers, net followers and people who unfollowed. Metrics are estimated.

Jun 1, 2020 – Jun 30, 2020

213,029 New Followers

29,868 People Who Unfollowed



Summary

You have **+183,161** net followers this period. Your net followers are **-17.8%** from the previous period.

 Jun 1, 2020 – Jun 30, 2020

 View By: Posted

240.8M

Minutes Viewed

▼ 22.9% from previous 30 days

80.8M

1-Minute Video Views

▼ 21% from previous 30 days

208M

3-Second Video Views

▼ 20.5% from previous 30 days

9.7M

Engagement

▼ 10.9% from previous 30 days

183.2K

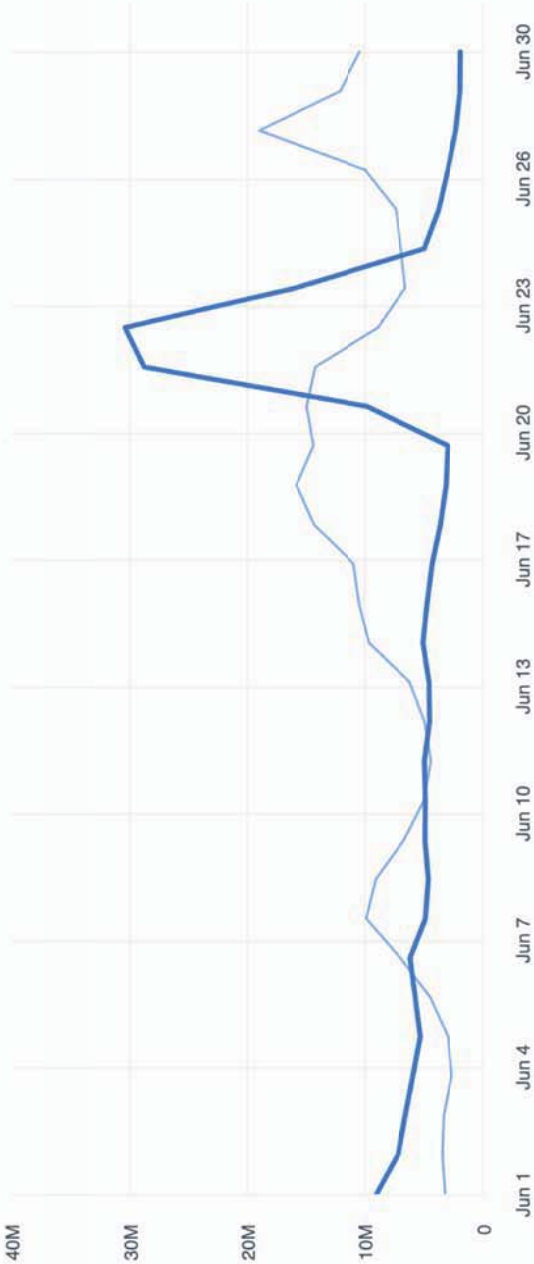
Net Followers

▼ 17.8% from previous 30 days

3-Second Video Views

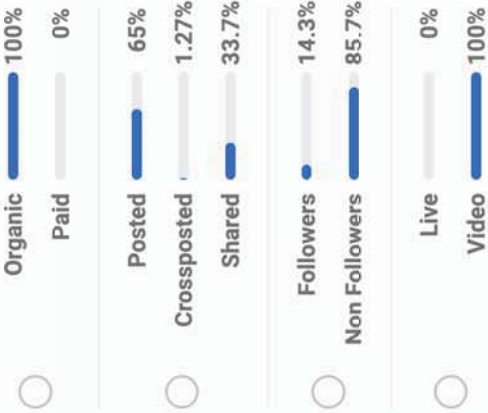
Jun 1, 2020 – Jun 30, 2020

208,023,281 3-Second Video Views



Show by:

See how your different types of posts are performing



Daily data is recorded in the Pacific time zone.

1W 1M 1Q



Post Reach

The number of people who saw any of your posts at least once. This metric is estimated.

Create Post

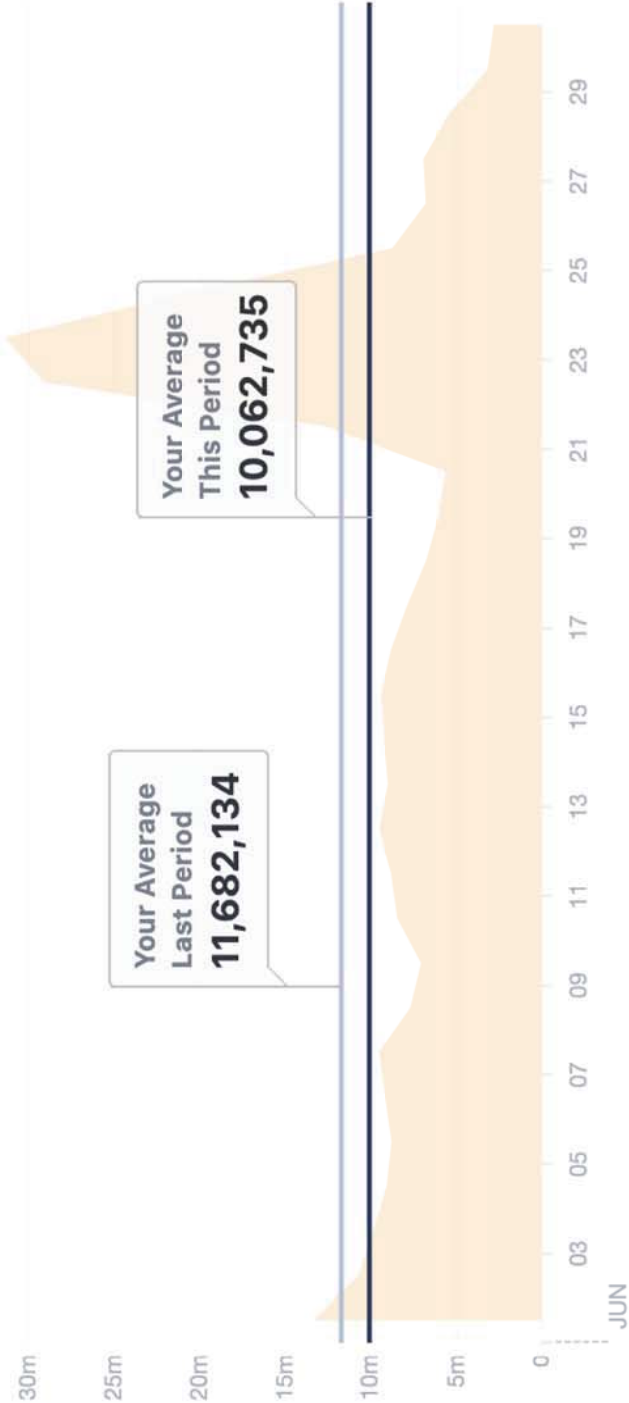
Organic Paid

BENCHMARK

Compare your average performance over time.

Organic

Paid



JULY 2020

Metrics are estimated and in development.

Jul 1, 2020 – Jul 31, 2020

\$11,752.88

Estimated Earnings

▼ 85.2% from previous 31 days

\$1.04

Monetizable View RPM

▼ 5.45% from previous 31 days

11.2M

Monetizable 1-Minute Video Views

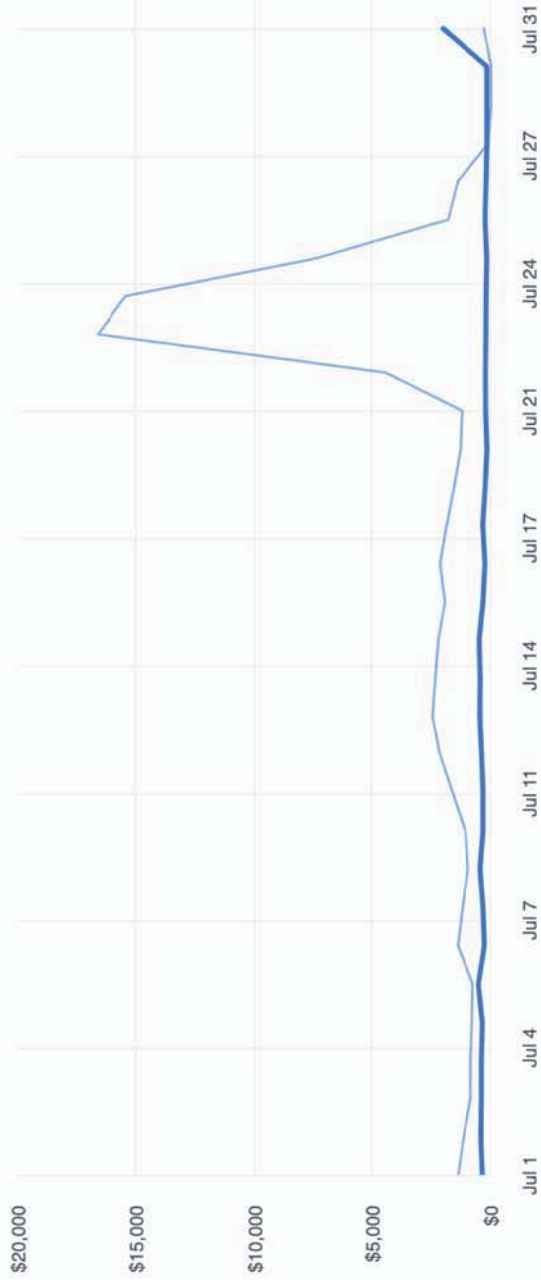
▼ 84.3% from previous 31 days

Estimated Earnings

Actual payouts will differ from what's shown here if there are content ownership claims or other adjustments. [Learn More](#)

Jul 1, 2020 – Jul 31, 2020

\$11,752.88 **Estimated Earnings**



Understand Your Estimated Earnings

Earnings are impacted by multiple factors, including the number of impressions and CPM of ads shown.

Focus on creating content that keeps your viewers watching longer to help maximize your earnings.

Jul 1, 2020 – Jul 31, 2020 ▼

11.7K

Net Followers

▼ **9.4%** from previous 31 days

273.1K

Returning Viewers

For the week of 07/26/2020

3.7M

Complete Views

▼ **81.6%** from previous 31 days

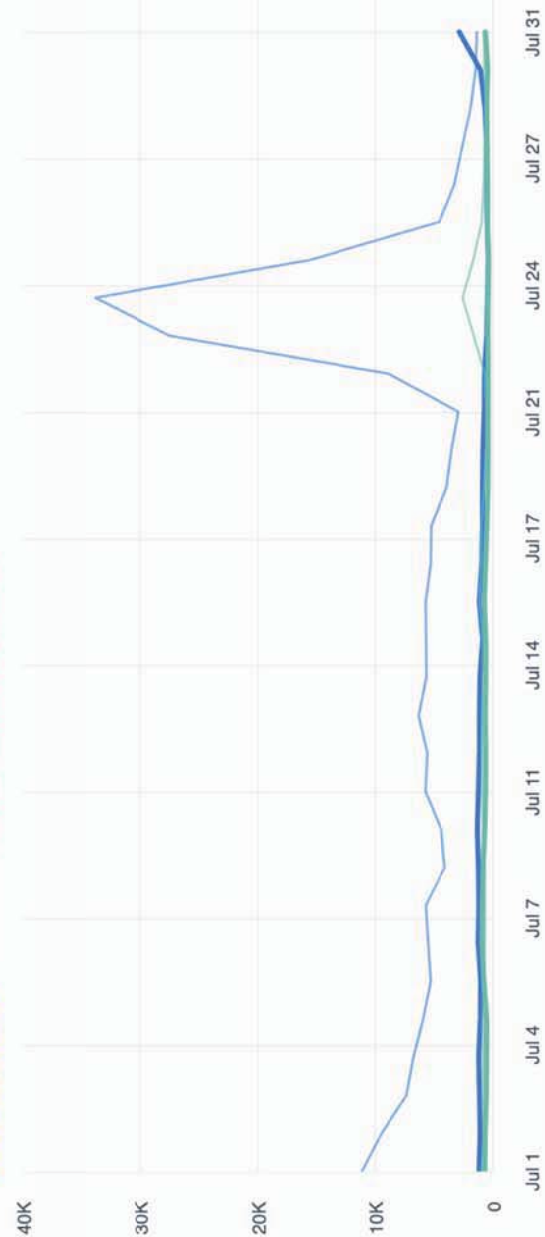
Follower Activity

A look at your new followers, net followers and people who unfollowed. Metrics are estimated.

Jul 1, 2020 – Jul 31, 2020

33,054 New Followers

21,317 People Who Unfollowed



Summary

You have **+11,737** net followers this period. Your net followers are **-94%** from the previous period.

 Jul 1, 2020 – Jul 31, 2020 ▾

 View By: Posted ▾

51.9M

Minutes Viewed

▼ 79.4% from previous 31 days

16.6M

1-Minute Video Views

▼ 80.4% from previous 31 days

57.7M

3-Second Video Views

▼ 73.6% from previous 31 days

3M

Engagement

▼ 71.1% from previous 31 days

11.7K

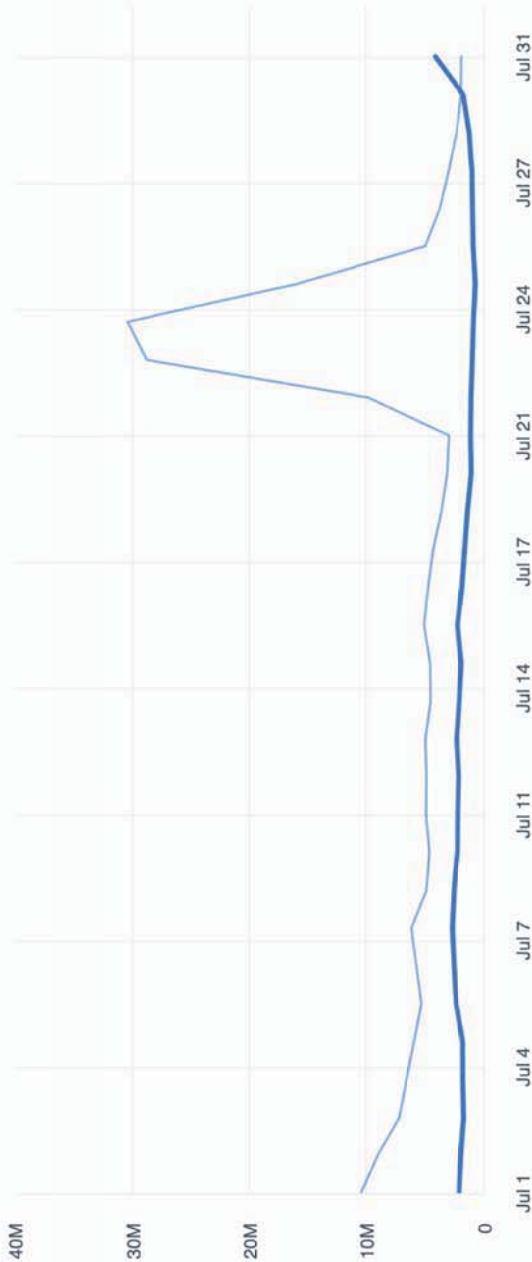
Net Followers

▼ 94% from previous 31 days

3-Second Video Views

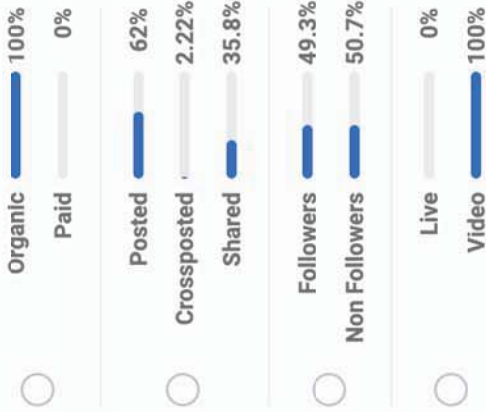
Jul 1, 2020 – Jul 31, 2020

57,677,428 3-Second Video Views



Show by:

See how your different types of posts are performing



Daily data is recorded in the Pacific time zone.



Post Reach

The number of people who saw any of your posts at least once. This metric is estimated.

Create Post

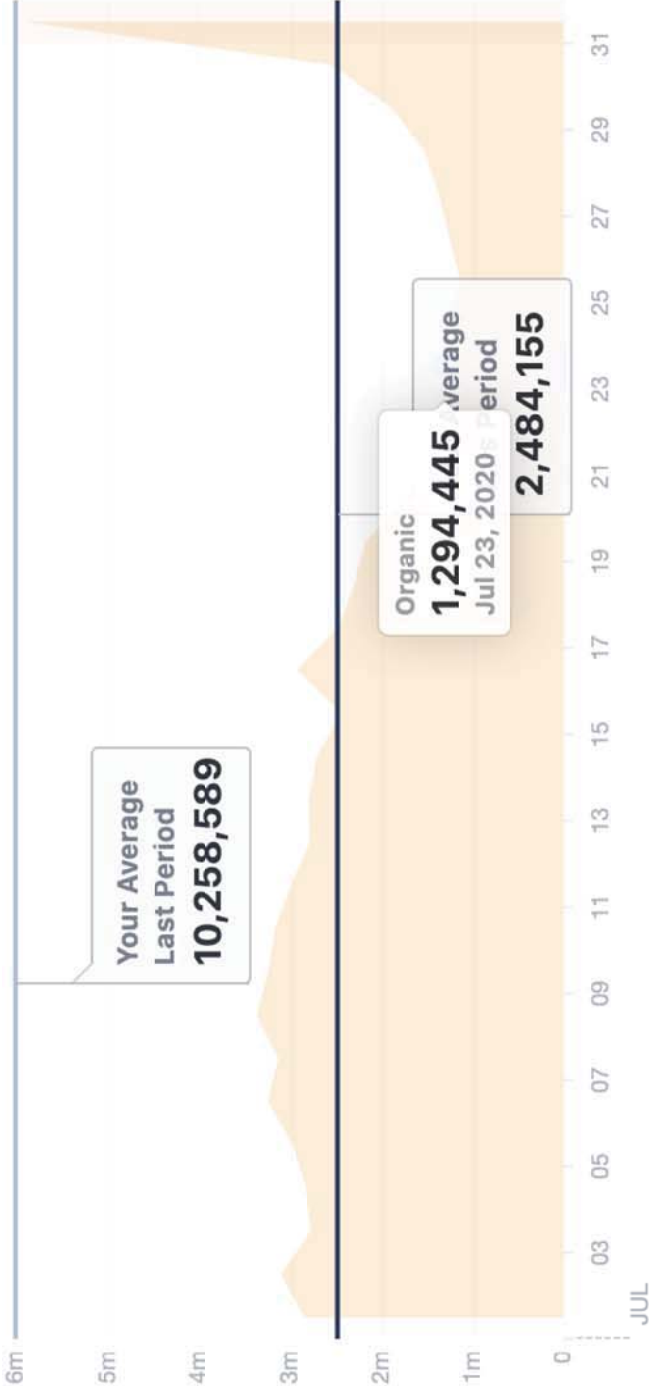
Organic Paid

BENCHMARK

Compare your average performance over time.

Organic

Paid





Page Followers

July 10 - August 6

56,919

Page Followers ▼ **63%**



Note: Does not include today's data. Insights activity is reported in the Pacific time zone. Ads activity is reported in the time zone of your ad account.

Organic Paid

<div><div><div></div></div><div>Actions on Page</div><div>July 10 - August 6</div></div> <div>148</div> <div>Total Actions on Page ▼52%</div> <div></div>	<div><div><div></div></div><div>Page Views</div><div>July 10 - August 6</div></div> <div>210,379</div> <div>Total Page Views ▼50%</div> <div></div>	<div><div><div></div></div><div>Page Previews</div><div>July 10 - August 6</div></div> <div>12,076</div> <div>Page Previews ▼51%</div> <div></div>
<div><div><div></div></div><div>Page Likes</div><div>July 10 - August 6</div></div> <div>22,970</div> <div>Page Likes ▼60%</div> <div></div>	<div><div><div></div></div><div>Post Reach</div><div>July 10 - August 6</div></div> <div>61,084,295</div> <div>People Reached ▼55%</div> <div></div>	<div><div><div></div></div><div>Story Reach</div><div>July 10 - August 6</div></div> <div>342,215</div> <div>People Reached ▲9%</div> <div></div>
<div><div><div></div></div><div>Recommendations</div><div>July 10 - August 6</div></div> <div>1</div> <div>Recommendations ▼50%</div> <div></div>	<div><div><div></div></div><div>Post Engagement</div><div>July 10 - August 6</div></div> <div>23,357,466</div> <div>Post Engagement ▼50%</div> <div></div>	<div><div><div></div></div><div>Videos</div><div>July 10 - August 6</div></div> <div>79,566,442</div> <div>3-Second Video Views ▼51%</div> <div></div>